

IN RE: PETITION FOR ZONING VARIANCE  
NE/S Old North Point Road  
180' NW c/l Fischer Road  
4008 Old North Point Road  
15th Election District  
7th Councilmanic District  
Thomas A. Brune, et ux  
Petitioner

BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-275 A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.3 to permit a height of an accessory building (garage) 18 ft. in lieu of the required 15 ft., as more particularly described in Petitioner's Exhibit 1.

The Petitioners, Thomas A. Brune and wife, appeared and testified and was represented by attorney, Herbert H. Miller. There were no Protestants. However, Mr. Timothy Farrell sent a letter to the Zoning Commissioner stating his opposition to the variance.

The Petitioner has requested a variance for the height of a very large garage located on the rear portion of his property. The Petitioner's property is zoned ML-IM and is improved with a home, garage and swimming pool and the additional garage is added to the rear portion of the property along Interstate 695. The subject property is located between Old North Point Road and the extension of 695. The general area is zoned ML-IM and most of the land is improved with business and commercial uses. The subject property is only one of two residential uses on that side of Old North Point Road in this particular block. The Petitioner's property is surrounded with various other commercial uses and the subject garage is actually behind one of these commercial properties. The garage is not to the

rear of the house, but on another lot set to the rear at an angle. Mr. Timothy Farrell strongly contested the height variance being granted because he believes that the subject property is being used as a commercial repair facility for large trucks and tractor trailers. He also is opposed to the variance because of the additional uses including what he believes to be rental space being created in the structure.

The Petitioner testified that he believed he had appropriately received permission from Baltimore County to construct the subject garage and was unaware that any height requirements were being enforced upon the subject structure. The Petitioner stated that he had no intention of operating a commercial establishment from this property and that the sole use of the subject structure was to store his personal boat, van and an antique car that he is restoring. He did admit that he does work on vehicles; however, he claims that all of the work done on the vehicles are his own property and none of the work is done on commercial vehicles or for compensation.

The Petitioner also testified that his hardship and practical difficulties would have to do with the size of his boat in that the boat is too large to be stored in a garage only 15 feet tall. He also stated that the additional structure has no bathroom facilities and that there is only cold running water and not hot water. He also indicated that there are no living quarters in the facilities.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove

practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of February, 1989 that the Petition for Zoning Variance from Section 400.3 to permit a height of an accessory building (garage) 18 ft. in lieu of the required 15 ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

(1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that, proceeding at this time is at his own risk until such time as the applicable appellate provision from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

(2) The Petitioner shall upon reasonable demand make the premises available for inspection by the Office of Zoning.

(3) The Petitioner shall prepare and file among the Land Records of Baltimore County a deed for all of the lots of record as described on Petitioner's Exhibit 1 which incorporates the deeds into one unified deed of record with no lot subdivisions therein. Said deed shall be recorded among the Land Records of Baltimore County on or before April 25, 1989 setting forth that the subject property may not be subdivided or sold as individual lots, on or before April 25, 1989. A certified copy of the deed indicating that said deed has been recorded in the Land Records of Baltimore County shall be filed with the Office of the Zoning Commissioner on or before April 30, 1989.

(4) The Petitioner shall not conduct any repairs or maintenance of any trucks, buses or automobiles, except those owned by the Petitioner. The subject garage shall not be used for the storage of any personal property of any individual other than the Petitioner and/or his successors in title. The garage shall not contain any living

space or apartments and there shall not be any kitchen or bathroom facilities located within the accessory structure (garage).

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:mmm  
cc: Peoples Counsel  
cc: Mr. Timothy Farrell

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
484-3333

J. Robert Haines  
Zoning Commissioner

February 21, 1989



Dennis F. Rasmussen  
County Executive

Mr. and Mrs. Thomas A. Brune  
4008 Old North Point Road  
Baltimore, Maryland 21222

RE: Petition for Zoning Variance  
Case No. 89-275A

Dear Mr. and Mrs. Brune:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
att.  
cc: Peoples Counsel  
cc: Mr. Timothy Farrell

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 to permit a height of an accessory building (garage) 18' in lieu of the required 15'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Petitioners obtained Permits Nos. 75529 and 89851 for the construction of a garage on their property. The permits contained references to "Elevation 18" and "E.L. 18", which Petitioners took to mean a height of 18 feet; and so constructed the garage. It was not until months after completion that notice of violation was received; and no inspector during course of construction complained about the height, which will not adversely affect the health, safety and general welfare of the community. In addition, our small residence has no basement and we need to use the garage for storage space.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
N/A	Thomas A. Brune
(Type or Print Name)	(Type or Print Name)
Signature	Thomas A. Brune
Address	Lynn M. Brune
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
Herbert H. Miller	4008 North Point Road 388-0450
(Type or Print Name)	Address Phone No.
Signature	Baltimore County, MD 21222
205 Shell Building	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204	Herbert H. Miller, Atty.
City and State	Name 205 Shell Building
Attorney's Telephone No. 823-3340	Towson, MD 21204 823-3340
	Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 24th day of February, 1989, at 2:00 o'clock P.M.

ESTIMATE LENGTH OF HEARING AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS (over)

DATE 10/20/88

ZONING DESCRIPTION OF 4008 OLD NORTH POINT ROAD, BALTIMORE COUNTY

BEGINNING on the northeast side of Old North Point Road at the distance of 155 feet northwest of the north corner of Old North Point Road and Fischer Road; thence binding on northeast side of Old North Point Road northerly 50 feet; thence northeasterly 250 feet; thence northerly 70 feet; thence northeasterly 79.64 feet to the southwest side of the I-695 Beltway right-of-way; thence southeasterly binding on the southwest side of said right-of-way, in all, 317.42 feet; thence leaving said right-of-way southeasterly 60.42 feet; thence southeasterly 19.13 feet; thence southeasterly 11.51 feet; thence northeasterly 209.81 feet; and thence southeasterly 250 feet to Old North Point Road and the place of beginning. Known as No. 4888 Old North Point Road in the 15th Election District.



# **CERTIFICATE OF POSTING** ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1-74 Date of Posting: 1/24/89  
 Posted for: Variance  
 Petitioner: Thomas A. Brune, et ux  
 Location of property: N.E.S. Old North Point Road, 180' NW c/l Fischer Road  
4008 Old North Point Road  
 Location of Sign: 180' NW c/l Fischer Road  
4008 Old North Point Road  
 Remarks: Property of Baltimore  
 Posted by: [Signature] Date of return: 1/27/89  
 Number of Signs: 1

## **CERTIFICATE OF PUBLICATION**

TOWSON, MD., January 5, 1989  
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 5, 1989.

THE JEFFERSONIAN,

S. Z. Orlan  
 Publisher

PO 07861  
 reg M25135  
 case 89-275-A  
 price \$ 39.40

## **CERTIFICATE OF PUBLICATION**

OFFICE OF  
**Dundalk Eagle**

4 N. Center Place  
 P.O. Box 8936  
 Dundalk, Md. 21222

January 6, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. - Case #89-275-A - P.O. #07862 - Reg. #M25136 - 86 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks, before the 6th day of January 1989; that is to say, the same was inserted in the issues of Jan. 5, 1989

**Kimbel Publication, Inc.**  
 per Publisher.

By [Signature]

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. 59488  
 DATE 10/26/88 ACCOUNT 01-615  
 AMOUNT \$ 35.00  
 RECEIVED FROM: Thomas Brune (From 478)  
 FOR: Accidental Variance  
 VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204  
 494-3333

J. Robert Haines  
 Zoning Commissioner

Date: 1/29/89

Mr. & Mrs. Thomas A. Brune  
 4008 Old North Point Road  
 Baltimore, Maryland 21222

Re: Petition for Zoning Variance  
 CASE NUMBER: 89-275-A  
 NE/S Old North Point Road, 180' NW c/l Fischer Road  
 4008 Old North Point Road  
 15th Election District - 7th Councilmanic  
 Petitioner(s): Thomas A. Brune, et ux  
 HEARING SCHEDULED: TUESDAY, JANUARY 24, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Brune:  
 Please be advised that \$49.70 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
 J. ROBERT HAINES  
 Zoning Commissioner of  
 Baltimore County

JRH:gs  
 cc: Herbert H. Miller, Esq.  
 File

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. 065775  
 DATE 2/14/89 ACCOUNT P-01-615-000  
 AMOUNT \$ 97.40  
 RECEIVED FROM: Thomas A. Brune, et ux  
 FOR: P.O.A. 2/14/89 Haines  
 B 8115\*\*\*\*\*9740:0 3156F  
 89-275-A  
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 10th day of November, 1988.

J. Robert Haines  
 J. ROBERT HAINES  
 ZONING COMMISSIONER

Petitioner: Thomas A. Brune, et ux Received by: James E. Dyer  
 Chairman, Zoning Plans  
 Attorney: Herbert H. Miller Advisory Committee

## **BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

January 17, 1989

Herbert H. Miller, Esquire  
 Petitioner: Thomas A. Brune, et ux  
 Petition for Zoning Variance

RE: Item No. 207, Case No. 89-275-A  
 Petitioner: Thomas A. Brune, et ux  
 Petition for Zoning Variance

Dear Mr. Miller:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.  
 JAMES E. DYER, JR.  
 Chairman  
 Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204  
 494-3333

J. Robert Haines  
 Zoning Commissioner

December 15, 1988

## **NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
 CASE NUMBER: 89-275-A  
 NE/S Old North Point Road, 180' NW c/l Fischer Road  
 4008 Old North Point Road  
 15th Election District - 7th Councilmanic  
 Petitioner(s): Thomas A. Brune, et ux  
 HEARING SCHEDULED: TUESDAY, JANUARY 24, 1989 at 2:00 p.m.

VARIANCE to permit a height of an accessory building (garage) 18 feet in lieu of the required 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
 Zoning Commissioner of  
 Baltimore County

cc: Mr. & Mrs. Brune  
 Mr. Tim Farrell  
 Herbert H. Miller, Esq.  
 File



Maryland Department of Transportation  
 State Highway Administration

Richard H. Trainor  
 Secretary  
 Hal Kassoff  
 Administrator

November 16, 1988

Mr. J. Robert Haines  
 Zoning Commissioner  
 County Office Building  
 Towson, Maryland 21204  
 Attn: James Dyer

Re: Baltimore County  
 Thomas A. Brune property  
 Zoning meeting 11/9/88  
 N/E side of Old North  
 Point Road  
 MD 20  
 180' N/W of the  
 centerline of  
 Fischer Road  
 Item #222-207

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a height of 18' for accessory building (garage), in lieu of the required 15', we find the plan acceptable.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

James J. Miller  
 James J. Miller, Jr.  
 Chief Bureau of Engineering  
 Access Permits

LB-es

cc: Mr. Thomas A. Brune  
 Mr. J. Ogle

**RECEIVED**  
 NOV 21 1988

**ZONING OFFICE**

My telephone number is (301) 333-1350

Teleprinter for Impaired Hearing or Speech  
 383-7555 Baltimore Metro - 583-9451 D.C. Metro - 1-800-482-5982 Statewide Toll Free  
 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County  
 Fire Department  
 Towson, Maryland 21204-2536  
 494-4500

Paul H. Reineke  
 Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner  
 Office of Planning & Zoning  
 Baltimore County Office Building  
 Towson, Maryland 21204

Re: Property Owner: Thomas A. Brune, et ux

Location: NE/S O. N. Pt. Rd., 180' NW c/l of Fischer Road

Item No.: 207

Zoning Agenda: Meeting of 11/9/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: [Signature] 12/29/88  
 Planning Group  
 Special Inspection Division

NOTED & APPROVED: [Signature]  
 Fire Prevention Bureau

/s/



## ZONING ENFORCEMENT SECTION

TELEPHONE: 494-3391  
832-8094

## \*\*\*\*\* CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION \*\*\*\*\*

CASE NUMBER C- 89-1 ELECTION DISTRICT: 15  
LOCATION: 4008 North Point Rd.

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:

☐ THERE WAS NO VIOLATION OBSERVED AND THE CASE WILL BE CLOSED.☒ THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:Garage in excess of 15 feet  
in height. You must file  
Petition for Variance to Height  
Regulations Sec 400.2 Baltimore Zoning  
Reg.  
(Enclosed Petition Forms)Please Call 832-8094 with QuestionFAILURE TO COMPLY BY 8-13-88, WILL RESULT IN THE ISSUANCE  
OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH  
VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY  
BILL #132-85).☐ COMPLIANCE HAS BEEN ATTAINED AND THE CASE WILL BE CLOSED.INSPECTOR: WAYNE FLORA DATE: 7-13-88COPIES: WHITE - Defendant Original PINK - File  
GREEN - Defendant Duplicate GOLD - Inspection Report  
YELLOW - ComplainantBaltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353J. Robert Haines  
Zoning Commissioner

November 22, 1988

Mr. & Mrs. Thomas A. Brune  
4008 North Point Road  
Baltimore, Maryland 21222RE: Petition for Zoning Variance  
Item No. 172 (Old Number)  
4008 North Point Road

Dear Mr. &amp; Mrs. Brune:

Please be advised that effective today your item number has been  
changed for #172 to #207. This change will not affect your hearing date.

If you have any questions please do not hesitate to call me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.  
John J. Sullivan, Jr.  
Planning & Zoning Assoc. III

JJS, Jr.:dt

cc: Herbert H. Miller, Esquire  
205 Shell Building  
Towson, Maryland 21204

File

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCETO: James E. Dyer  
Zoning Supervisor DATE: October 26, 1988FROM: James H. Thompson  
Zoning Enforcement CoordinatorRE: Item No. 207 (if known)  
Petitioner: Brune (if known)

VIOLATION CASE # C-89-1

LOCATION OF VIOLATION 4008 North Point Road

DEFENDANT Thomas A. and Lynn M. Brune

ADDRESS 4008 North Point Road Baltimore, MD 21222

Please be advised that the aforementioned petition is the subject  
of an active violation case. When the petition is scheduled for a  
public hearing, please notify the following persons:NAME ADDRESS  
Tim Farrell 8103 Beachwood Road  
Baltimore, Maryland 21222  
Herbert H. Miller, P.A. Suite 205-Shell Building  
200 E. Joppa Road  
Towson, Maryland 21204After the public hearing is held, please send a copy of the Zoning  
Commissioner's Order to the Zoning Enforcement Coordinator, so that the  
appropriate action may be taken relative to the violation case.

ech/

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353J. Robert Haines  
Zoning Commissioner

April 18, 1989

Herbert H. Miller, Esquire  
Suite 205- Shell Building  
200 E. Joppa Road  
Towson, Maryland 21204RE: Case #89-275-A  
4008 Old North Point Road  
Petition for Zoning Variance  
Mr. and Mrs. Thomas A. Brune

Dear Mr. Miller:

I am in receipt of your letter dated April 7, 1989 requesting an  
extension of time regarding Restriction #3 in the above captioned case  
#89-375A.Please be advised that an extension to May 25, 1989 has been  
granted, in order that the deed for all of the lots of record be  
recorded. Further, that a certified copy of the deed, indicating that  
said deed has been recorded in the Land Records of Baltimore County, be  
filed with the Office of the Zoning Commissioner.

Thank you for your assistance and cooperation.

Very truly yours,

J. Robert Haines  
J. Robert Haines  
Zoning Commissioner

JRH:mmm

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353J. Robert Haines  
Zoning Commissioner

June 22, 1989

Herbert H. Miller, Esquire  
Suite 205, Shell Building  
200 E. Joppa Road  
Towson, Maryland 21204RE: Thomas A. and Lynn M. Brune  
4008 Old North Point Road 89-275

Dear Mr. Miller:

I am in receipt of your letter of June 16, 1989. If you want to  
file a new Petition, then we will be more than happy to grant your time  
request.I attempt to assist everyone. However, some issues must be  
handled by the staff. I know for a fact all of your earlier requests  
were handled by Mr. Carl Richards. If your earlier letters had not  
been properly handled, your client would have been in violation of the  
Order.Quite honestly, a July 6, 1989 filing appointment is perfectly  
normal for a June 16, 1989 request. All of your requests for  
extensions have been granted and this one will be also. The extension  
will be moved to October 30, 1989.

Very truly yours,

J. Robert Haines  
J. Robert Haines  
Zoning Commissioner

JRH:mmm

cc: Mr. and Mrs. Thomas A. Brune  
cc: Carl RichardsBaltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353J. Robert Haines  
Zoning Commissioner

December 23, 1989

Herbert H. Miller, Esq.  
205 Shell Building  
Towson, Maryland 21204RE: Petition for Zoning Variance  
Case Number: 89-275-A  
NE/S Old North Point Road, 180' NW c/l Fischer Road  
4008 Old North Point Road  
Petitioner(s): Thomas A. Brune, et ux

Dear Mr. Miller:

Pursuant to your request, the above matter will be rescheduled  
for hearing on February 14, 1989 at 2:00 p.m.

Please do not hesitate to call, should you have any questions.

Very truly yours,

G. G. Stephens  
Docket Clerk  
887-3391cc: Mr. & Mrs. Brune  
Mr. Tim FarrellBaltimore County  
Department of Permits and  
Development ManagementDevelopment Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 24, 1996

Ms. Lynn Brune  
4008 North Point Road  
Baltimore, MD 21222RE: Zoning Verification  
4008 North Point Road  
8108 Beachwood Road  
15th Election District

Dear Ms. Brune:

Pursuant to your correspondence of June 17, 1996 regarding the sale  
of 4008 North Point Road, please be advised of the following: Provided the two  
referenced properties are described as two separate lots (per cases 89-275-A  
and 90-159-SPH) in the deed you mention in your letter, and the commercial and  
residential uses are located entirely on their respective lots, it is the  
opinion of this office that the transfer of the residential lot separate from  
the commercial lot is within the spirit and intent of the aforementioned zoning  
cases provided the commercial lot, improved with the garage, is being utilized for  
a commercial use, as required by zoning case 90-159-SPH.I trust that the information set forth in this letter is  
sufficiently detailed and responsive to the request. If you need further  
information or have any questions, please do not hesitate to contact me at  
887-3391.

Very truly yours,

Joseph C. Murray  
Joseph C. Murray  
Planner I  
Zoning Review

JCM:rye

cc: 89-275-A  
90-159-SPHSTRAPARTY DEED: NO TITLE SEARCH: NO TAX OR STAMPS: NO LIEN CERTIFICATE REQUIRED.  
LIBER 666 PAGE 314

FEE SIMPLE DEED-City or County

STATE DEPARTMENT OF

ASSESSMENTS &amp; TAXATION

AGRICULTURAL TRANSFER TAX

NOT APPLICABLE

DATE

SIGNATURE

DATE

This Deed, Made this 20th day of January, 1996in the year one thousand nine hundred and eighty-four, by and between SYLVIA BRUNE,Strawparty,  
of Baltimore County, in the State of Maryland, of the first part, and  
THOMAS A. BRUNE and LYNN M. BRUNE, his wife, of Baltimore County, State of Maryland,

of the second part.

Witnesseth, That in consideration of the sum of \$15.00 for no consideration whatsoever

the said party of the first part

do as grant and convey unto the said parties of the second part, as tenants by the entireties

and the survivor of them, their

heirs and assigns, in fee simple, all those lots of ground, situate, lying and being in

Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:-

Beginning for the first on the northeast side of Old North Point Road at the distance of 155  
feet measured along the northeast side of Old North Point Road from the beginning of the  
14.3 acre tract of land which by Deed dated December 29, 1944 and recorded among the Land  
Records of Baltimore County in Liber RJS 1372, folio 605, was conveyed by Lillian M.  
Batschky Shapler and husband to E. Leroy Shylaski and wife, said point being also the end  
of the first line of the lot of ground which by Deed dated August 8, 1947, was conveyed by  
E. Leroy Shylaski and wife to Thomas Edward Dolan and wife; and running thence binding on  
the northeast side of Old North Point Road North 31°02' West 50 feet to the third line of  
the lot of ground which by Deed dated April 23, 1948 and recorded among the Land Records  
of Baltimore County in Liber RJS No. 1654, folio 32, was conveyed by E. Leroy Shylaski and  
wife to Earl Allan Costenbader and wife; thence leaving the Old North Point Road and binding  
reversely on said third line North 58°58' East 250 feet to the beginning thereof; thence  
parallel with the Old North Point Road South 31°02' East 50 feet to the end of the second  
line of ground described in the Deed aforesaid from Shylaski to Dolan, thence binding  
reversely on said line South 58°58' West 250 feet to the place of beginning. Containing  
0.27 acres, more or less. The improvements thereon being known as No. 4008 North Point Road  
BEGINNING FOR THE SECOND at a point in the southeasterly right of way line and right of way  
line of through highway of the Patapsco Freeway, leading from Pulaski Highway to Sparrows  
Point, said point of beginning being the intersection of the aforesaid line of right of way  
of way line and right of way line through highway (Patapsco Freeway) and the first or  
N 65°23' E 378.43 foot line of a deed from Daniel J. Stallings and Dorothy R. Stallings,  
his wife, to James Latta, Jr., and Eleanor Pyle Latta, his wife, recorded August 1, 1956,  
recorded among the Land Records of Baltimore County in Liber GLS 2982, folio 180.SAID Point of beginning being situated 150 feet measured at right angles to the right of  
station 345 57.58 of the base line of right of way (Patapsco Freeway) as said base line of  
right of way is delineated on the State Roads Commission of Maryland's plat numbered 3164,  
running thence and binding along the aforesaid southeasterly right of way line and right of  
way line of through highway (Patapsco Freeway) S 38°34'06" E 317.42 feet to intersect the  
southeasterly right of way line of Fischer Road, running thence and binding thereon the  
following courses and distances, viz: S 63°51'25" W 60.42 feet; thence S 23°24'56"  
E 19.13 feet to intersect the northwesterly existing right of way line of Fischer Road,  
running thence and binding thereon S 64°33'41" W 11.51 feet to intersect the fifth or



HERBERT H. MILLER, P.A.  
LAW OFFICES  
SUITE 205 - SHELL BUILDING  
200 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204  
(301) 823-3340

HERBERT H. MILLER  
TOMMIE M. HOUCK PARALEGAL

April 7, 1989

RECEIVED  
MAY 10 1989

Mr. J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

ZONING OFFICE

Re: Case No. C-89-1  
4038 Old North Point Road  
15th Election District  
Thomas A. and Lynn M. Brune

Dear Commissioner Haines:

Enclosed are photocopies of your Findings of Fact and Conclusions of Law and of your February 24, 1989 Order concerning the Zoning Variance requested, subject to certain restrictions. The restriction with which we are concerned here is (3); the requirement to record on or before April 25, 1989 a deed combining both lots into one description. Please also note that both lots have been and currently are zoned M-1M.

Because of a change in circumstances of Petitioners, my clients, they are having second thoughts about wanting to use the garage in conjunction with their residence (they may decide to sell the residential lot separately and retain the garage lot for commercial investment purposes). I understand that the height of the garage is not a problem under M-1M zoning if the garage lot is used for non-residential purposes.

Therefore, is there any zoning obstacle to my clients' either dismissing their petition or otherwise abandoning the granted variance at this time and using the garage lot for commercial purposes? Would a simple non-compliance with restriction (3) work the same result?

Because I will be leaving on vacation beginning April 15, 1989 until early May, 1989, I would appreciate receiving a prompt reply (even if it consists of telephoned advice to be followed by your letter confirming such advice) and, if my clients cannot unilaterally proceed as indicated, then I would appreciate being granted an extension until May 25, 1989 to comply with restriction (3), should that be necessary. In short, I do not want to jeopardize whatever options my clients may have because of my (being a sole practitioner) committed vacation plans.

HERBERT H. MILLER  
LAW OFFICES

Mr. J. Robert Haines  
Zoning Commissioner  
Page two  
April 7, 1989

Thank you very much for your cooperation.

Sincerely,

*Herbert H. Miller*  
Herbert H. Miller

HHM:mjw

Enclosures

cc: Mr. and Mrs. Thomas A. Brune

HERBERT H. MILLER, P.A.  
LAW OFFICES  
SUITE 205 - SHELL BUILDING  
200 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204  
(301) 823-3340

HERBERT H. MILLER  
TOMMIE M. HOUCK PARALEGAL

May 22, 1989

RECEIVED  
MAY 23 1989

ZONING OFFICE

Mr. J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Attention: Mr. Carl Richards

Re: Case No. C-89-1  
4038 Old North Point Road  
15th Election District  
Thomas A. and Lynn M. Brune

Dear Mr. Richards:

Pursuant to our telephone conversation on Friday, May 19, 1989, I am pleased to enclose another copy of the Deed referred to in my letter of May 2, 1989 to Mr. Haines; as well as directing this letter to your attention.

During that conversation, because of the real estate title problem created by part of Restriction #3 and hereinafter referred to, we agreed that the time for recording any required Deed (if the enclosed deed copy will not suffice) is extended until June 25, 1989.

The real estate title problem is created because Restriction #3 requires that the Deed shall set forth that the subject property may not be subdivided or sold as individual lots, etc. If that restriction is made a part of the deed, my clients would be prevented from ever selling their property as other than a single lot, irrespective of any use changes and/or neighborhood changes, etc. Therefore, if that restriction is intended to be indefinite as to time, then my clients unfortunately would be unable to comply with it.

Please note that the variance granted and the condition attached to such grant came after the garage had already been built and had passed inspection during the course of its construction; that it was constructed to an unacceptable height because it was not understood that the height mentioned on the building permit meant from sea level, and that a hardship case otherwise existed.

I note, however, that the above quoted part of that restriction is

HERBERT H. MILLER  
LAW OFFICES

Mr. J. Robert Haines  
Zoning Commissioner  
Attention: Mr. Carl Richards  
Page 2  
May 22, 1989

Immediately followed by the words: "on or before April 25, 1989." I assumed that those words were an erroneous repetition of those same words appearing earlier in that restriction. If, however, those words were intended to limit the time period to April 25, 1989; then we would have no objection to making the time period, as so limited, a part of the Deed. Even then, may I suggest that the same result from your standpoint could be achieved by way of a letter from my clients stating their acceptance of that time period; which letter would then become a part of your file and subject them to violation charges by your office if they failed to comply.

Your prompt advice will be greatly appreciated.

Sincerely,

*Herbert H. Miller*  
Herbert H. Miller

HHM:mjw

Enclosure

cc: Mr. and Mrs. Thomas A. Brune

J. Robert Haines  
Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning  
Towson, MD 21204

RE: Petition for Zoning Variance  
Case Number 89-275-A  
NE/S Old North Point Road, 180' NW c/l Fischer Road  
4038 Old North Point Road  
Petitioner: Thomas A. Brune, et ux

Dear Mr. Haines:

Regrettably, I may not be able to attend the above mentioned hearing that was re-scheduled for February 14, 1989 at 2:00 PM. I have a previous out-of-town commitment to make that week. I do, however, strongly contest the issuance of a height variance for Mr. Brune's garage.

Mr. Brune's garage is an average mean height of 21 feet--not the 18 feet height variance and certainly not the 15 feet he knew to be the requirement for a residential garage.

Mr. Brune has told me personally that he plans to rent the garage for additional income. He has installed two 14-foot garage doors for the ingress and egress of very large trucks. He has also installed a hydraulic lift under the concrete slab and a chain fall. The building is set up for the servicing of tractor trailers, trucks, and other large vehicles.

The Brunes currently use Beachwood Road (formerly Fischer Road) to gain access to their garage. They have fenced off access from their home to the garage lot--which faces the front of my home. Mr. Brune is upset that I am petitioning the County for a road closing of Beachwood Road. My address is the only property on Beachwood Road, and I own title to the road in fee simple. Beachwood Road is a dead-end driveway, and the Brune's garage has created and may continue to create heavy truck traffic within 20 feet of my front door if the existing height limit on his garage is not enforced!

In a letter to you dated July 22, 1988, the Brune's attorney, Herbert H. Miller, makes allegations of "an improper motivation" being the cause of the Brune's zoning problems. He suggests that I may have bribed and/or coerced a Baltimore County Building Inspector to make trouble for the Brunes. Needless to say, I am outraged at Mr. Miller's attempt to manipulate the zoning process and slander my character. As I'm sure you already know, Mr. Haines, I had nothing to do with a violation being cited, and was not aware that a violation existed for several weeks after notice was given to the Brunes. In addition, Mr. Miller states that "the garage was completed months before the alleged violation". This is not at all true! I have absolute

Page 2

proof that the concrete slab was poured, the roof, gutters and downspouts were finished and the building was painted in November, 1988--several months after a stop-work order was issued on the building!

I believe that the Brunes and their attorney are trying to create a smoke screen to cloud the real issue! I do not begrudge the Brunes a garage for the use of their own vehicles and/or business, but I do strongly protest a height variance. The Brunes deliberately ignored the 15 foot height restriction because it will prevent access of the type of vehicles they intend to service in their garage. The height limit was clearly stated on their permit, yet they chose to ignore it and pretend to misinterpret permit renewal because they were determined to build a 21' high garage! In addition, I can find no evidence that the Brune's lots have been combined into one as required by their permit.

It is my understanding that building variances are applied for and heard when proposed building plans are expected to exceed existing limits--not in an attempt to excuse deliberate ignorance of the law.

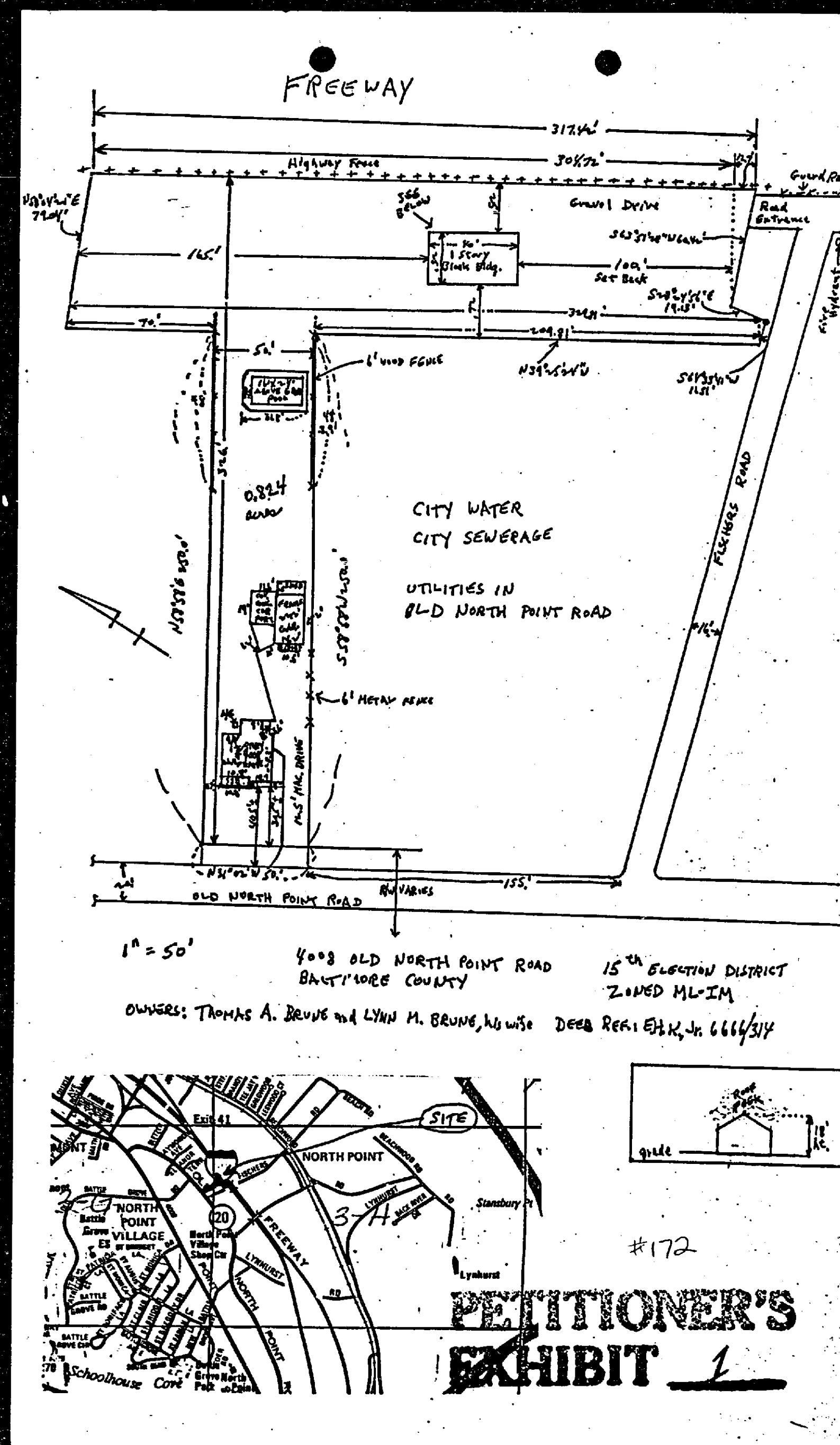
I respectfully request that the Petition for Variance be denied. I trust the Commission will strongly consider the facts and concerns I have set forth in this letter. I am currently making every effort to re-schedule commitments so I may personally attend this Zoning Hearing. If I am unable to do so, and the Commission still sees fit to grant the variance, I would appreciate strong assurances that the Brunes will not be allowed to continue with their planned use of this garage, that they must use entrance through their own property at 4038 Old North Point Road, and that my family and I will not be subjected to additional heavy truck traffic because of their garage.

I will appreciate any and all information you can provide about this case and its outcome, Mr. Haines. Should you wish any additional information concerning my opposition to this Variance, please call me at 477-3545. I am confident that I may look forward to a fair and just decision.

Respectfully,

*Timothy M. Farrell*  
Timothy M. Farrell

P.S. I have enclosed a picture of the Brune's garage along with a drawing of its location in relation to my home. Please call with any questions.



DP 3  
1/79

**PETITIONER'S EXHIBIT 2**  
**Permit**

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER.

APPLICANT: THOMAS A. AND LYNN M. BRUNE  
ADDRESS: 4038 OLD NORTH POINT ROAD, 21222

DATE: 4-14-89  
PERMIT NO: 53995  
EXPIRES: 15-21

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

W. S. PATAPSCO FREEWAY-N. W. COR. BEACHWOOD ROAD  
N. E. S. OLD NORTH POINT ROAD 155' N. W. FISCHER ROAD

A. TYPE OF IMPROVEMENT  
1. NEW BUILDING CONSTRUCTION  
2. ADDITION  
3. ALTERATION  
4. REPAIR  
5. UNUSUAL ENTRY NO. UNITS EXCEEDED  
6. MOVING  
7. OTHER

B. OWNERSHIP  
1. PRIVATELY OWNED  
2. PUBLICLY OWNED

C. TYPE OF USE  
1. RESIDENTIAL  
2. ONE FAMILY  
3. TWO FAMILY  
4. THREE AND FOUR FAMILY  
5. FIVE OR MORE FAMILY ENTER NO. UNITS  
6. SWIMMING POOL  
7. GARAGE  
8. OTHER

NON-RESIDENTIAL  
9. MECHANICAL, REFRIGERATION, PLACE OF ASSEMBLY  
10. CHURCH, OTHER RELIGIOUS BUILDING  
11. FENCE HEIGHT--FEET  
12. INDUSTRIAL STORAGE BUILDING  
13. PARKING GARAGE  
14. SERVICE STATION, REPAIR GARAGE  
15. HOSPITAL, INSTITUTIONAL, NURSING HOME  
16. OFFICE, BANK, PROFESSIONAL  
17. PUBLIC UTILITY  
18. SCHOOL, COLLEGE, OTHER EDUCATIONAL  
19. SHOP  
20. STORE  
21. MANICURE  
22. RESTAURANT  
23. SWIMMING POOL AND HEALTH DEPT. (APPR. REQ.)  
24. TANK TOWER  
25. TRANSPORT HOTEL, MOTEL AND UNITS  
26. OTHER

ERECT DETACHED GARAGE ON REAR OF PROPERTY  
TWO LOTS TO BE COMBINED INTO 1 LOT UNDER  
ONE DEED, FOR RESIDENTIAL USE. OK TO WITHDRAW  
PLANS-G. S.  
LOTS WILL NOT BE SOLD SEPARATELY. LOTS ARE COMBINED  
UNDER ONE DEED. SEE LIBER 6666 FOLIO 314

PROPOSED USE: S. F. D. AND GARAGE  
EXISTING USE: VACANT LOT AND S. F. D.

THIS PERMIT MUST BE POSTED  
SEE OTHER SIDE FOR INSPECTIONS



DP 3  
1/79

**PETITIONER'S EXHIBIT 3 Permit**

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204

BUILDING ADDRESS: 4008 OLD NORTH POINT RD.  
DATE ISSUED: 5/23/85

OWNERS NAME: THOMAS A. AND LYNN M. GRUNE  
MAILING ADDRESS OF OWNER: 4008 OLD NORTH PT. RD., BALTO., MD. 21222

PERMIT NO. 75529

TRANSFER DESCRIPTION: W/S PATAPSCO FREEWAY N/W COR. FISCHER RD. N/E/S OLD NORTH PT. RD.

TYPE OF IMPROVEMENT: 1. NEW BUILDING CONSTRUCTION  
TYPE OF USE: 1. RESIDENTIAL

ERECT DETACHED 4 CAR GARAGE 40 X 25 ON REAR OF PROPERTY. TWO LOTS TO BE COMBINED INTO 1 LOT UNDER 1 DEED. FOR RESIDENTIAL USE. LOTS WILL NOT BE SOLD SEPARATELY. SEE LIBER 6666 FOLIO 314. REFER TO EXPIRED PERMIT #59995 MR FOR PLOT PLANS. ELEVATION 12'.

OWNERSHIP: 1. PRIVATELY OWNED  
ESTIMATED COST OF MATERIAL & LABOR: RENEWAL

**THIS PERMIT MUST BE POSTED**  
SEE OTHER SIDE FOR INSPECTIONS

994-3953  
OFFICE 780

**PETITIONER'S EXHIBIT 4**

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

TED ZALESKI, JR.  
DIRECTOR

DATE: May 5, 1986

TO: Thomas Grune  
4008 Old North Point Road  
Baltimore, MD 21222

RE: Permit (s) # 75529

District 15 Precinct 21

Location 4006 Old North Point Road

Date Issued 5-23-85

You are hereby informed that the above referenced permit and/or permits have been extended until 5-23-87

Very truly yours,  
John R. Reisinger, B.S.  
Buildings Engineer  
Dept. of Permits & Licenses

cc: Inspector  
Microfilm

DP 3  
1/79

**PETITIONER'S EXHIBIT 5 Permit**

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204

BUILDING ADDRESS: 4008 NORTH POINT RD.  
DATE ISSUED: 9-24-87

OWNERS NAME: THOMAS A. BRUNE  
MAILING ADDRESS OF OWNER: 4008 NORTH POINT RD., 21222

PERMIT NO. 89851

TRANSFER DESCRIPTION: N/E/S/ OLD NORTH POINT RD.

A. TYPE OF IMPROVEMENT: 1. NEW BUILDING CONSTRUCTION  
B. OWNERSHIP: 1. PRIVATELY OWNED

C. TYPE OF USE: 1. RESIDENTIAL

RENEWAL OF PERMIT #75529- SEE FOR PLANS. ERECT 4 CAR GARAGE 40X25 ON REAR PROPERTY COMBINED UNDER 1 DEED-LIBER 6666/FOLIO 314 EL. 18'

**THIS PERMIT MUST BE POSTED**  
SEE OTHER SIDE FOR INSPECTIONS

